

## **IC 20-12-71**

### **Chapter 71. Immunization Requirements at the Postsecondary Level**

#### **IC 20-12-71-1**

##### **"Academic term"**

Sec. 1. As used in this chapter, "academic term" means the regularly scheduled period of on-campus instruction offered by a postsecondary institution that is substantially comparable to a traditional semester.

*As added by P.L.192-1993, SEC.7.*

#### **IC 20-12-71-2**

##### **"Certificate of immunity"**

Sec. 2. As used in this chapter, "certificate of immunity" means a form that meets the following requirements:

- (1) Is acceptable to a postsecondary institution.
- (2) Establishes the immunity of the certificate holder.
- (3) Consists of:
  - (A) a physician's certificate, if available;
  - (B) immunization records forwarded from another school or postsecondary institution;
  - (C) a record maintained by the student or a parent of the student showing the month and year during which each dose of vaccine was administered;
  - (D) a form developed by the department which may be used by postsecondary institutions to meet the requirements of this chapter; or
  - (E) evidence of having met alternative criteria defined by rules adopted under IC 4-22-2 by the department.
- (4) Includes a line to be signed by the student or the student's parent or guardian that indicates compliance with section 13.5(b) of this chapter.

*As added by P.L.192-1993, SEC.7. Amended by P.L.152-2002, SEC.1.*

#### **IC 20-12-71-3**

##### **"Department"**

Sec. 3. As used in this chapter, "department" refers to the state department of health.

*As added by P.L.192-1993, SEC.7.*

#### **IC 20-12-71-4**

##### **"Designated recordkeeping office"**

Sec. 4. As used in this chapter, "designated recordkeeping office" refers to the office designated by a postsecondary institution as being responsible for maintaining student immunization records under this chapter.

*As added by P.L.192-1993, SEC.7.*

**IC 20-12-71-5****"Documentation of exemption"**

Sec. 5. As used in this chapter, "documentation of exemption" means a form that:

- (1) is acceptable to the postsecondary institution; and
- (2) indicates the circumstances as described in sections 13 and 14 of this chapter entitling the student to an exemption from the requirements in sections 11 and 12 of this chapter.

*As added by P.L.192-1993, SEC.7.*

**IC 20-12-71-6****"Enroll"**

Sec. 6. As used in this chapter, "enroll" means the process enabling a student to become a bona fide member of the student body of the postsecondary institution and entitling the student to officially audit or receive academic credit for on-campus instruction in Indiana.

*As added by P.L.192-1993, SEC.7.*

**IC 20-12-71-7****"Health care provider"**

Sec. 7. As used in this chapter, "health care provider" means a local health authority, a licensed physician, a licensed physician assistant, a licensed pharmacist, or a registered nurse.

*As added by P.L.192-1993, SEC.7. Amended by P.L.188-1995, SEC.3.*

**IC 20-12-71-8****"Postsecondary institution"**

Sec. 8. As used in this chapter, "postsecondary institution" refers to a public college, university, or other public institution providing education, degrees, or certificates above the high school level. The term does not include a private postsecondary educational institution or any other educational institution that offers degrees and instruction exclusively through correspondence courses.

*As added by P.L.192-1993, SEC.7.*

**IC 20-12-71-9****"Student"**

Sec. 9. As used in this chapter, "student" means an individual who, for the first time:

- (1) physically attends classes at a residential campus of a postsecondary institution; and
- (2) is enrolled in a postsecondary institution as a full-time student (as defined in 585 IAC 3-1-22).

*As added by P.L.192-1993, SEC.7.*

**IC 20-12-71-10****Development of form**

Sec. 10. The department shall develop a form that can be used by postsecondary institutions to meet the requirements of this chapter

concerning the use of a certificate of immunity.  
*As added by P.L.192-1993, SEC.7.*

#### **IC 20-12-71-11**

##### **Necessary student documentation**

Sec. 11. (a) Except as provided in section 15 of this chapter, a postsecondary institution may not permit a student to matriculate in a residential campus of a postsecondary institution unless the student provides the documentation required by section 12 of this chapter for the following diseases:

- (1) Diphtheria.
- (2) Tetanus.
- (3) Measles.
- (4) Mumps.
- (5) Rubella.

(b) Each postsecondary institution shall notify each student before the student's matriculation of the following requirements:

- (1) That the student must be immunized and that the immunization is required for matriculation at the postsecondary institution unless the student provides the documentation required by section 12 of this chapter.
- (2) That the student or the student's parent or guardian must comply with section 13.5 of this chapter.

*As added by P.L.192-1993, SEC.7. Amended by P.L.152-2002, SEC.2.*

#### **IC 20-12-71-12**

##### **Form of documentation; effect of noncompliance**

Sec. 12. (a) Before matriculating in a residential campus of a postsecondary institution, each student shall provide the postsecondary institution with one (1) of the following documents:

- (1) A certificate of immunity.
- (2) Documentation of exemption as described in sections 13 and 14 of this chapter.

(b) Before matriculating in a residential campus of a postsecondary institution, a student that is not a citizen or resident of the United States shall provide the postsecondary institution with:

- (1) medical documentation that the student has been tested for tuberculosis in the United States;
- (2) the date on which the tuberculosis test was taken; and
- (3) the results of the tuberculosis test.

(c) If a student fails to comply with subsection (a) or subsection (b) by the beginning of the student's second academic term, the postsecondary institution shall prohibit the student from matriculating in the campus of the postsecondary institution, where applicable, until the requirements are met.

*As added by P.L.192-1993, SEC.7. Amended by P.L.152-2002, SEC.3.*

#### **IC 20-12-71-13**

**Exemption from immunization**

Sec. 13. An exemption relieving the individual from the requirements of section 12 of this chapter may be accepted by the postsecondary institution as part of the documentation of exemption for the following reasons:

- (1) If a health care provider makes a written statement indicating the nature and probable duration of a medical condition or circumstances that contraindicate an immunization, identifying the specific vaccine that could be detrimental to the individual's health.
- (2) If pregnancy or suspected pregnancy is certified in a written statement from a health care provider.
- (3) If the health care provider provides written documentation that the student is in the course of completing an approved schedule of all necessary doses of the vaccines required for the diseases listed in section 11 of this chapter.

If the student's medical condition or circumstances subsequently permit immunization, the exemptions granted by this section terminate and the student is required to obtain the immunizations from which the student has been exempted.

*As added by P.L.192-1993, SEC.7.*

**IC 20-12-71-13.5****Providing information on the risks of meningococcal disease**

Sec. 13.5. (a) A postsecondary institution in which an individual intends to enroll shall provide detailed information on the risks associated with meningococcal disease and the availability and effectiveness of vaccination to:

- (1) the individual, if the individual is at least eighteen (18) years of age; or
- (2) the individual's parent or guardian, if the individual is less than eighteen (18) years of age.

(b) A postsecondary institution described in subsection (a) must receive a certificate of immunity:

- (1) that is signed by:
  - (A) the individual, if the individual is at least eighteen (18) years of age; or
  - (B) the individual's parent or guardian, if the individual is less than eighteen (18) years of age; and
- (2) that states that the information provided under subsection (a) has been reviewed by:
  - (A) the individual, if the individual is at least eighteen (18) years of age; or
  - (B) the individual's parent or guardian, if the individual is less than eighteen (18) years of age.

*As added by P.L.152-2002, SEC.4.*

**IC 20-12-71-14****Religious objections**

Sec. 14. (a) Except as otherwise provided, a student may not be

required to undergo any testing, examination, immunization, or treatment required under this chapter when the student objects on religious grounds.

(b) A religious objection does not exempt a student from any testing, examination, immunization, or treatment required under this chapter unless the exemption is made in writing, signed by the student, and delivered to the individual who might order a test, an examination, an immunization, or a treatment absent the religious objection.

*As added by P.L.192-1993, SEC.7.*

#### **IC 20-12-71-15**

##### **Time for student documentation; noncompliance**

Sec. 15. (a) Upon the commencement of a student's first academic term at a postsecondary institution and not later than the commencement of the student's second academic term, the postsecondary institution shall require the student to comply with the requirements of section 12 of this chapter. If the student fails to comply with the requirements of section 12 of this chapter by the commencement of the student's first academic term, the postsecondary institution shall do the following:

(1) Notify the student of the requirement that the student must be immunized and that the immunizations may be administered by a health care provider.

(2) Notify the student that the immunization is required for the student's continued enrollment in, attendance at, or residence on the campus of the postsecondary institution unless the student provides the documentation required by section 12 of this chapter.

(b) If the student fails to comply with the requirements of section 12 of this chapter by the beginning of the student's second academic term, the postsecondary institution shall prohibit the student from matriculating in the postsecondary institution's campus, where applicable, until the requirements are met.

*As added by P.L.192-1993, SEC.7.*

#### **IC 20-12-71-16**

##### **Postsecondary institution nonenforcement; action by department**

Sec. 16. The department may commence an action against a postsecondary institution under IC 4-21.5-3-6 or IC 4-21.5-4 for the issuance of an order of compliance for failure to enforce this chapter.

*As added by P.L.192-1993, SEC.7.*

#### **IC 20-12-71-17**

##### **Postsecondary institution records of student immunization status**

Sec. 17. (a) The designated recordkeeping office shall maintain records obtained under section 15 of this chapter containing the required elements of the immunization status of each enrolled student. The information required on the certificates of immunity and the documentation of exemption, whichever applies, constitutes the

required elements of each enrolled student's immunization status. The information on the certificates of immunity and the documentation of exemption, whichever applies, is sufficient for accurate compliance with section 19 of this chapter and must be accepted by each postsecondary institution for purposes of this chapter.

(b) The department and the local health department shall, for good cause shown that there exists a substantial threat to the health and safety of a student or the community of the educational institution, be able to validate immunization reports by onsite reviews or examinations of nonidentifying immunization record data. This section does not independently authorize the department, a local department of health, or an agent of the state or local department of health to have access to identifying medical or academic record data of individual students attending nonaccredited private educational institutions.

(c) The records referred to in subsection (a) are sufficient to enable the postsecondary institution to generate a listing of the students who have filed documentation of exemption forms. The postsecondary institution shall develop sufficient plans for excluding these students from the institution for their protection if an outbreak of any of the vaccine preventable diseases listed in section 11 of this chapter occurs at or near the campus of the postsecondary institution.  
*As added by P.L.192-1993, SEC.7.*

#### **IC 20-12-71-18**

##### **Transfer of student to other postsecondary institution; record copies for transferee institution**

Sec. 18. A postsecondary institution may furnish, not later than twenty (20) days after a student transfer, a copy of a student's immunization record to the postsecondary institution to which the student transfers and enrolls. The postsecondary institution may request a copy of the student's immunization record from the institution from which the student graduated or another postsecondary institution that the student attended.

*As added by P.L.192-1993, SEC.7.*

#### **IC 20-12-71-19**

##### **Annual summary reports**

Sec. 19. Each postsecondary institution shall submit a summary report to the department and the local health department having jurisdiction by March 15 of each year. The annual summary report:

- (1) must be signed by an official of the designated recordkeeping office certifying that the information included in the summary report is accurate; and
- (2) must include the following:
  - (A) A statement of the number of students with certificates of immunity, categorized by disease.
  - (B) A statement of the number of students with appropriate documentation of exemption, categorized by disease.

*As added by P.L.192-1993, SEC.7.*

**IC 20-12-71-20**

**Private institutions; voluntary compliance with chapter**

Sec. 20. (a) As used in this section, "private institution" means an educational institution that provides education, degrees, or certificates above the high school level but that is not a postsecondary institution.

(b) Nothing in this chapter shall prohibit a private institution, college, or university from voluntarily complying with this chapter.

*As added by P.L.192-1993, SEC.7.*

**IC 20-12-71-21**

**Rules; communicable diseases list**

Sec. 21. The department shall adopt rules under IC 4-22-2 necessary to implement this chapter. However, the department is not authorized to adopt rules to expand or modify the list of communicable diseases in section 11 of this chapter.

*As added by P.L.192-1993, SEC.7.*